40TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 79.

SAN JUAN ISLAND.

MEMORIAL

OF

THE LEGISLATURE OF WASHINGTON TERRITORY,

RELATIVE TO

The condition of citizens of the United States residing on San Juan island.

FEBRUARY 25, 1868.—Referred to the Committee on the Judiciary and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent to your honorable body—

1. That by act of Congress passed August 14, 1848, "all that part of the United States which lies west of the summit of the Rocky mountains, north of the forty-second degree of north latitude, known as the Territory of Oregon, shall be organized into and constitute a temporary government by the name of the Territory of Oregon."

2. That by act of Congress passed March 2, 1853, "all that portion of Oregon Territory lying and being south of the forty-ninth degree of north latitude, and north of the middle of the main channel of the Columbia river, from its mouth to where the forty-sixth degree of north latitude crosses said river near Wallula City," &c., "be organized into and constitute a temporary government by the name of the Territory of Washington."

3. That the eastern boundary line of the Territory of Oregon included, and that of Washington Territory of course includes, the island of San Juan and various other islands lying between Vancouver island and Washington Territory, as appears by the official plats of the United States, and by the maps of said Territory published by order of Congress.

4. That by various acts of the legislative assembly of the Territory of Washington, heretofore passed in accordance with the powers vested in this body by the organic act of said Territory, and with a strict adherence to the boundary line conferred on said Territory by the above acts of Congress, the county of Whatcom was organized, which county, with a portion of the mainland, includes the island of San Juan among other islands.

5. That the island of San Juan was settled partly by American citizens, in part by British subjects, and that there are now, and have been for many years past, a large number of citizens of the United States residing on said island.

6. That there is now a company of United States soldiers and one of British troops stationed on said island, whose commanders claim to hold it by joint military occupation, and allege that the title to said islands is in dispute between the governments of the United States and Great Britain.

7. That prior to said alleged joint military occupation, the authorities of Washington Territory claimed and exercised civil and criminal jurisdiction over San Juan and other neighboring islands; that the citizens of the United States and Washington Territory residing there, voted at elections held on said islands in accordance with the organic law of Washington Territory; that taxes were collected from them, and that they exercised, generally, all the rights and privileges appertaining to citizens of the United States resident within the boundaries of the United States, and that ever since the formation of said Territory up to the present time, the courts of said Territory have claimed jurisdiction, both civil and criminal, over said island, and have, in accordance with said jurisdiction, entertained such actions and prosecutions as were brought before them and rendered judgments thereon.

8. That for the last few years, the commanders of the forces of the United States stationed on said island have asserted that it was not within the jurisdiction of the courts of Washington Territory at all, and have disregarded and defied the process of said courts.

9. That said commanders claim to exercise exclusive jurisdiction over the citizens of the United States residing on said island; that they deny them a trial by jury, or even by court-martial, for any alleged offence, but have punished many citizens of the United States without a trial according to any known form of law, by summarily banishing them from the island; that the unfortunate persons so banished have, in many instances, had large amounts of property, both real (held by inchoate title under the laws of the United States) and personal, of both which, by said banishment, they were summarily deprived and in consequence ruined, being taken over to the mainland and ejected from the boat in a state of complete penury and destitution.

10. Your memorialists know of no law of the United States, nor of any treaty entered into in due form of law with any foreign power, permitting or justifying so anomalous a condition of affairs, or such treatment of American citizens, and claim that no such law or treaty is to be found on our statute books. They claim that they are bound only by the law, and know of none subjecting our citizens—who can in no manner forfeit their rights as citizens, except by the decision of a competent legal tribunal—to either military rule or military caprice.

Wherefore your memorialists would most respectfully request your honorable body to take such action in the premises as will settle this vexed question, and restore to citizens of the United States residing on San Juan and in the disputed district, those rights of which they have been so long and unjustly deprived, and your memorialists will ever pray.

Passed the house January 9, 1868.

P. B. JOHNSON,
Speaker of the House.

Passed the council January 15, 1868.

H. G. STRUVE,
President of the Council.

UNITED STATES OF AMERICA, *Territory of Washington, ss:*

I, E. L. Smith, secretary of Washington, do hereby certify that the foregoing is a full, true and correct copy of the original memorial now on file in my office.

Witness my hand and seal of office this 30th day of January, A. D. 1868.

[SEAL.] E. L. SMITH,
Secretary of Washington Territory.

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